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JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 533

INTERNATIONAL ASSOCIATION OF MACHINISTS, ET AL.,
Petitioners

v.

UNITED AIRCRAFT CORPORATION, *Respondent*

REPLY OF PETITIONERS TO BRIEF IN OPPOSITION

PLATO E. PAPPS
Machinists Building
Washington, D. C.

MOZART G. RATNER
818 18th Street, N. W.
Washington, D. C.

WILLIAM S. ZEMAN,
One Grand Street
Hartford, Connecticut

Counsel for Petitioners

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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1. On October 1, 1964, the court below decided Docket No. 28,595 (Pet. 3, n. 1), holding offensive to national labor policy respondent's attempt to extinguish strikers' statutory protection against unfair labor practices under the guise of collective bargaining. *Local 743, Machinists* v. *United Aircraft Corp.*, 57 LRRM 2245. Extinction by retaliatory state court litigation is no less offensive.

2. Respondent assumes (Opp. 13-14), that under *Guss, Garmon* and *Interlake* state courts have the same unfettered discretion to deal with questions of argu-

ability that they had under *Richman* to adjudicate questions of federal prohibition or protection. That assumption is not only groundless, it is necessarily false. Applied to this case it would mean that § 2283 immunizes defiance of this Court's mandate to consider a complaint of the General Counsel decisive of arguability on the pretext that a state court "can hardly be expected to evaluate the effect of" a complaint it chooses to ignore (Pet. 9). Cf. *Kalb* v. *Feuerstein*, 308 U.S. 433, 439 (1940).

Unless "the Judges in every State" are *not* "bound" by this Court's construction of "the Constitution and Laws of the United States," this petition for certiorari and the relief prayed for therein should be granted.

Respectfully submitted,

PLATO E. PAPPS
Machinists Building
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MOZART G. RATNER
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WILLIAM S. ZEMAN
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